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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,847	02/07/2001	Hiroshi Takemoto	202198US-3DIV	3774

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EXAMINER

HARAN, JOHN T

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,847

Applicant(s)

TAKEMOTO ET AL.

Examiner

John T. Haran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-34 is/are pending in the application.
- 4a) Of the above claim(s) 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/237,661.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the arguments filed on 12/31/02.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Gasser et al (U.S. Patent 5,154,791).

The body of the rejection can be found in Paper 9, paragraph 3, mailed 11/4/02.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gasser et al (U.S. Patent 5,154,791) in view of Grimm (U.S. Patent 5,840,147).

The body of the rejection can be found in Paper 9, paragraph 5, mailed 11/4/02.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al (U.S. Patent 5,904,795) in view of Grimm (U.S. Patent 5,840,147).

The body of the rejection can be found in Paper 9, paragraph 6, mailed 11/4/02.

Response to Arguments

7. Applicant's arguments filed on 12/31/03 have been fully considered but they are not persuasive.

With regards to claim 32, Applicant argues that Gasser et al fails to teach the light passing through the intermediate member or the filter filtering light such that the intermediate member is able to maintain at least one of a color and a shape while the photocuring adhesive cures. It is noted that the intermediate member is the material worked upon and not part of the device and the argued limitations are accordingly given little weight. Whether or not the light passes through an intermediate member would depend upon the material used for the intermediate member. The material of the intermediate member would also control whether or not the color or shape would change as a result of the light. As noted previously Gasser et al teaches filtering light below 400 nm and which serves the desired function of the filter of the present application (filtering below 300 nm see; see specification page 43, lines 1-9). The filter is capable of filtering a portion of light that damages an intermediate member thereby preventing a color or shape change of the intermediate member and the generator is capable of producing light that passes through a transparent intermediate member. Gasser anticipates claim 32.

With regards to claim 33, Applicant argues that neither Gasser or Murakami teach the filter filtering light such that the intermediate member is able to maintain at least one of a color and a shape while the photocuring adhesive cures. As noted above, the intermediate member is the material worked upon and not part of the device

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and the argued limitation is accordingly given little weight. As mentioned above Gasser is capable of filtering a portion of light to prevent a change in shape or color.

Additionally Murakami specifically teaches the purpose of the filter is to filter light that changes the shape of the material worked upon, thereby preventing the change in shape (See column 10, lines 14-22).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on (703) 308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


John T. Haran


Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700